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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-212

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

- a. The references to affected sections in treatment clauses do not conform with the preferred drafting style. For example, in SECTION 3, the treatment clause should read “DOD 15.03 (5) and (7) are renumbered DOD 15.03 (4) to (6)” (emphasis added). See also SECTIONS 7, 10, 12, 14 and 16.
- b. There should not be a comma following “15.045” in the treatment clause for SECTION 11.
- c. There should be a period following the title of s. DOD 15.05.
- d. The reference to s. DOD 15.05 (2) in s. DOD 15.05 (1) (j) should be to “sub. (2).”
- e. The usual style for introducing an inclusive list of items within a rule is to use the phrase “all of the following” in the introduction and to end the introduction with a colon. This style was not followed in s. DOD 15.05 (2) (intro.) or (3) (intro.). This style also makes the cross-references to the cited paragraphs in these introductions unnecessary.
- f. In the treatment clause for SECTION 14, “as renumbered” should follow the reference to s. DOD 15.07 (1) and (2).
- g. The department should consider numbering the grant considerations in s. DOD 15.05 as s. DOD 15.048. This numbering scheme would negate the need for renumbering ss. DOD 15.05 and 15.06 in SECTIONS 12 and 14.

4. Adequacy of References to Related Statutes, Rules and Forms

a. The analysis accompanying the rule cites s. 560.14 (5) (b), Stats., as authorizing rule-making. Since the rule addresses, in part, how the department will administer the community-based economic development program, the analysis should also cite s. 560.14 (5) (bm), as created by 1995 Wisconsin Act 27, as authority for the rule-making.

b. Section DOD 15.045 relates to the administration of the regional economic development grants and includes a cross-reference to s. DOD 15.05 (1) (a) in s. DOD 15.045 (2) (a). Consistent with this cross-reference, it appears that s. DOD 15.05 (1) (intro.) should contain a cross-reference back to s. DOD 15.045.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The rule contains a number of provisions that are not clear. These provisions include the following:

- (1) Section DOD 15.03 (5) (e) authorizes a grant to provide assistance for a local economic development project in a service area for a community-based organization for the “development or implementation of a plan which substantially meets the intent of this section.” Can the department replace the phrase “the intent of this section” with more specific guidance, such as a brief description of the intent?
- (2) If the “prospects for new investment and economic development in the region,” identified in s. DOD 15.045 (2) (b), are to be related to a proposed regional economic development activity for which funding has been requested under s. DOD 15.045, then par. (b) should be amended to specify the relation of the prospects to the economic development activity.
- (3) Can the department specify measures that it will consider in evaluating the viability of a project, the likelihood that a project will result in creation or retention of jobs and the likelihood that a project will result in business development under s. DOD 15.05 (1) (f) to (h)? Inclusion of measures will ensure consistent application of the rule and provide guidance to grant applicants. See, for example, the measures used to indicate the level of economic distress in s. DOD 15.05 (1) (a).

b. In s. DOD 15.045 (2) (g), “complement” should replace “compliment.”

c. In light of the introductory clause in s. DOD 15.05 (2), s. DOD 15.05 (1) (j) is redundant and should be deleted.